

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Irene Berumen,

Civ. No. 24-777 (PAM/ECW)

Plaintiff,

v.

ORDER

Warden Michael Segal, Dr. L. Linder,
Nurse Patterson, and Officer Reihman,

Defendant.

This matter is before the Court on the Report and Recommendation (“R&R”) of United States Magistrate Judge Elizabeth Cowan Wright dated April 17, 2024. (Docket No. 7). The R&R recommends dismissing this matter without prejudice because it is factually frivolous. A week after the R&R issued, Plaintiff filed an “Exhibit” attaching a letter from the Bureau of Prisons denying Plaintiff relief on six administrative tort claims. (Docket No. 8.) This exhibit, to the extent it is relevant at all, cannot be construed as an objection to the R&R’s conclusion that Plaintiff has utterly failed to allege any factual matter to support her claims in this lawsuit.

This Court must review de novo any portion of an R&R to which specific objections are made, but in the absence of objections, the Court reviews the R&R only for clear error. 28 U.S.C. § 636(b)(1); D. Minn. L.R. 72.2(b); see also Grinder v. Gammon, 73 F.3d 793, 795 (8th Cir. 1996) (noting that district court need only review un-objectioned-to R&R for clear error). Whether the Court reviews the R&R de novo or for clear error, the Magistrate Judge’s conclusion is correct.

Accordingly, **IT IS HEREBY ORDERED** that:

1. The R&R (Docket No. 7) is **ADOPTED**;
2. Plaintiff's IFP Application (Docket No. 2) is **DENIED as moot**;
3. Plaintiff is **ORDERED** to pay the unpaid balance of the filing fee—\$326.00—in the manner 28 U.S.C. § 1915(b)(2) prescribes, and the Clerk of Court shall provide notice of this requirement to the authorities at the institution where Plaintiff is confined; and
4. This matter is **DISMISSED without prejudice** as factually frivolous.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Date: May 28, 2024

s/Paul A. Magnuson
Paul A. Magnuson
United States District Court Judge